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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KIM BLANDINO,

Petitioner,

v.

JUDGE ELIZABETH GONZALEZ, et al.

Respondents.

Case No. 2:18-cv-01318-GMN-NJK

ORDER

Before the court are petitioner’s amended emergency petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 6). The court has reviewed the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. Petitioner is not in custody, and the court lacks jurisdiction. The court dismisses the action.

Petitioner alleges that Judge Gonzalez has sentenced petitioner to life without any possibility of parole. ECF No. 6, at 2. This is hyperbole. Judge Gonzalez, of the Eighth Judicial District Court of the State of Nevada, has entered a vexatious-litigant order against petitioner. No judgment of conviction exists, and petitioner is not in “custody” within the meaning of that term in the habeas corpus statutes. This court lacks jurisdiction under either 28 U.S.C. § 2241 or 28 U.S.C. § 2254 to consider petitioner’s petition.

The court also cannot construe the petition to be something else, because the court still would lack jurisdiction. The state courts have their own procedures for managing vexatious

1 litigants, and petitioner needs to follow those procedures. No provision of federal constitutional
2 or statutory law exists that would give this court jurisdiction to issue orders to a state court about
3 how to manage their vexatious litigants. See Demos v. United States Dist. Court for Eastern Dist.
4 of Washington, 925 F.2d 1160, 1161-62 (9th Cir. 1991).

5 For the same reasons, the court also denies petitioner's emergency motion to stay state
6 court proceedings (ECF No. 2).

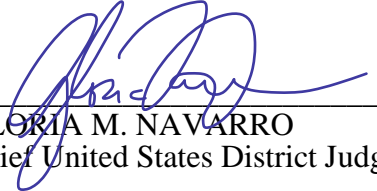
7 To the extent that a certificate of appealability is necessary, reasonable jurists would not
8 find the court's conclusions to be debatable or wrong, and the court will not issue a certificate of
9 appealability.

10 IT THEREFORE IS ORDERED that petitioner's emergency motion to stay state court
11 proceedings (ECF No. 2) is **DENIED**.

12 IT FURTHER IS ORDERED that this action is **DISMISSED** for lack of jurisdiction. The
13 clerk of the court shall enter judgment accordingly and close this action.

14 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

15 DATED: November 16, 2018

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19 GLORIA M. NAVARRO
20 Chief United States District Judge
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